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PTO/SB/64a (11-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR INTERNATIONAL  
FILING (37 CFR 1.137(f))**

Docket Number (Optional)

BS00155 (36968/198827)

First named inventor: George A. Durden

Application No.: 09/751,702

Art Unit: Unknown

Filed: December 29, 2000

Examiner: Unknown

Attention: Office of Petitions

**Mail Stop: Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.

The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION UNDER 37 CFR 1.137(b)

## 1. Petition fee

☐ Small entity-fee \$ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity - fee \$1,330.00 (37 CFR 1.17(m))

## 2. Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))

Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after filing. The filing date of the subsequently-filed foreign or international application is May 24, 2001.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

[NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

August 26, 2004

Date

Signature

Telephone

Number: 336-607-7311

John C. Alemanni, Reg. No. 47,384

Typed or printed name

Kilpatrick Stockton LLP

Address

1001 West Fourth Street

Address

Winston-Salem, NC 27101-2400

Address

Enclosures: ☒ Fee Payment

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: Rescission of Previous Nonpublication Request 35 U.S.C. 122(b)(2)(B)(ii) and, if Applicable Notice of Foreign Filing (35 U.S.C. 122(b)(2)(iii));

☒ Other: Transmittal of Petition Under 37 CFR § 1.137(f)

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as Express Mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at(703) 872-9306.

August 26, 2004

Date

Signature

Tammy H. Shearer

Typed or printed name of person signing certificate



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : George A. Durden, *et al.*  
Serial No. : 09/751,702  
Filing Date : December 29, 2000  
Title : Systems and Methods for Controlling and Managing Programming  
Content and Portion Thereof  
Attorney Docket : BS00155 (36968/198827)

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**TRANSMITTAL OF PETITION UNDER 37 CFR § 1.137(f)**

Sir:

The undersigned has been made aware that the above-referenced patent application has been deemed abandoned. Accordingly, the undersigned submits herewith a *Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing* under 37 CFR § 1.137(f) (Form PTO/SB/64a).

A Rescission of Non-publication Request was not previously submitted in this case. Accordingly, the undersigned submits herewith a *Rescission of Previous Nonpublication Request* 35 U. S. C. 122(b)(2)(B)(ii) and, if Applicable Notice of Foreign Filing (35 U. S. C. 122(b)(2)(B)(iii)).

The undersigned also submits herewith the petition fee under 37 CFR § 1.17(m). The undersigned believes that no additional fees are due. However, if additional fees are due, the undersigned hereby authorizes the Commissioner to charge any necessary fees to Deposit Account 16-1435.

Please contact the undersigned with any questions or comments at (336) 607-7311.

Respectfully submitted,

John C. Alemanni (Reg. No. 47,384)

Date: August 26, 2004

KILPATRICK STOCKTON LLP  
1001 West Fourth Street  
Winston-Salem, North Carolina 27101-2400  
Telephone: (336) 607-7300; Facsimile: (336) 607-7500



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**RESCISSION OF PREVIOUS  
NONPUBLICATION REQUEST  
35 U.S.C. 122(b)(2)(B)(ii)  
AND, IF APPLICABLE,  
NOTICE OF FOREIGN FILING  
(35 U.S.C. 122(b)(2)(B)(iii))**

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FAX: (703) 305-8568

Application Number	09/751,702	<b>RECEIVED</b> SEP 02 2004 OFFICE OF PETITIONS
Filing Date	December 29, 2000	
First Named Inventor	George A. Durden	
Title	Systems and Methods for Controlling and Managing Programming Content and Portion Thereof	
Atty Docket Number	BS00155 (36968/198827)	
Art Unit	Unknown	
Examiner	Unknown	

A request that the above-identified application not be published under 35 U.S.C. 122(b) (nonpublication request) was included with the above-identified application on filing pursuant to 35 U.S.C. 122(b)(2)(B)(i).

I hereby **rescind** the previous nonpublication request.

If a notice of foreign or international filing is or will be required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c), I hereby provide such notice. This notice is being provided no later than forty-five (45) days after the date of such foreign or international filing.

If a notice of subsequent foreign or international filing required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) was not filed within forty-five (45) days after the date of filing of the foreign or international application, the application is **ABANDONED**, and a petition to revive under 37 CFR 1.137(b) is required. See 37 CFR 1.137(f).

August 26, 2004

Date

Signature

336-607-7311

Telephone number

John C. Alemanni, Reg. No. 47,384

Typed or printed name

**This request must be signed in compliance with 37 CFR 1.33(b).**

If information or assistance is needed in completing this form, please contact the Pre-Grant Publication Division at (703) 605-4283 or by e-mail at PGPub@USPTO.

**CERTIFICATE OF MAILING OR TRANSMISSION**

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Signature

Date

**Burden Hour Statement:** This collection of information is required by 37 CFR 1.213(b). The information is used by the public to rescind a previously filed request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that rescission). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PG Pub, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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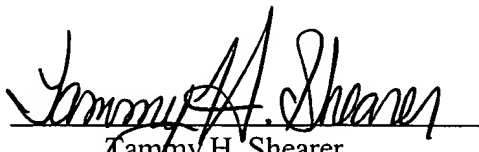
Type of Document(s) :

- : Transmittal of Petition Under 37 CFR § 1.137(f);
- : Rescission of Previous Nonpublication Request 35 U. S. C. 122(b)(2)(B)(ii) and, if Applicable, Notice of Foreign Filing (35 U. S. C. 122(b)(2)(B)(iii));
- : Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing (37 CFR § 1.137(f));
- : Check for \$1,330.00 for Petition for Revival and;
- : Return Postcard

Serial No. : 09/751,702

Filing Date : December 29, 2000

I hereby certify that the documents identified above are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Office of Petitions, Mail Stop: Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

  
Tammy H. Shearer

BS00155 (36968/198827)